

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

MARCH 26, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Center Room 1, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Ralph Welp, D.V.M. – Chairman
Richard Headley, D.V.M.
Robin Waltz, D.V.M.
Patricia Kovach, D.V.M.
Brett Marsh, D.V.M., State Veterinarian

Board Members Absent:

Dawn Frank, D.V.M. – Vice Chairman
Frank Andrew, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HEADLEY/KOVACH
Motion carried 4-0-0

III. ADOPTION OF THE MINUTES FROM THE JANUARY 30, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the January 30, 2008 meeting of the Board.

HEADLEY/KOVACH
Motion carried 4-0-0

IV. APPEARANCES

A. RENEWAL

B. PROBATIONARY

1. State of Indiana v. Tess Peavy, D.V.M., License No. 24006005A
Administrative Cause No. 2005 VB 0017

Dr. Peavy appeared before the Board with Counsel, Paula Gordon, regarding her ongoing terms and conditions. She reported she has been working in Hawaii. The Board reviewed the monitoring report received from Dr. Jerry Smith. Dr. Peavy told the Board she has a tentative date set up with him to do another on-site monitoring. The Board stated they would like her to use a new monitor. Dr. Peavy stated that a monitor is costly and that her order does not require her to use someone new. She said it is difficult to find a veterinarian who will do the monitoring. The Board felt that the report needed to include more details. The Board asked Dr. Peavy about sterilization of her instruments. She stated that she has fifty (50) spay packs and seventy (75) neuter packs. She also answered the Board's questions concerning follow-up care procedures. Dr. Peavy's next appearance is scheduled for May 28, 2008.

C. APPLICATIONS

1. Christopher A. Mayer, R.V.T.

Mr. Mayer appeared before the Board regarding his application for a registration as a veterinary technician. Mr. Mayer is a 2007 graduate of International Business College and took and passed the VTNE examination and Indiana jurisprudence examination given in January 2008. On his application he answered "yes" to question #4 asking, "Are you now being, or have you ever been treated for drug or alcohol abuse?" and question #5 asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Mr. Mayer explained to the Board that in October 1985 he pled guilty to a misdemeanor charge of criminal conversion for a shoplifting incident. He paid a fine and completed six months of probation for that offense. In March of 1993 he pled guilty to public intoxication and paid a fine and served a six month probation. And in July 1994 he pled guilty to an OWI which caused him to pay a fine, complete six months probation, and his drivers license was suspended for 180 days. Mr. Mayer advised that as a part of his probation he entered outpatient alcohol counseling for six weeks. Mr. Mayer told the Board it has been fourteen years since his last incident with the law and he has worked in a foundry for the last thirteen years until he decided to return to school to become a veterinary technician.

Board Action: A motion was made and seconded to grant Mr. Mayer registration as a veterinary technician.

HEADLEY/KOVACH
Motion carried 4-0-0

V. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Rachel B. Clark, D.V.M., License No. 24003461A
Administrative Cause No. 96 VB 0007
Re: Request for Reinstatement of Licensure

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Welp (Hearing Officer)
Dr. Headley
Dr. Kovach
Dr. Waltz
Dr. Marsh

Case Summary: The Respondent petitioned the Board for an administrative hearing to request reinstatement of her veterinary license. According to the Board's Order dated February 18, 2003 there were three (3) conditions that Respondent must meet precedent to requesting reinstatement of her license. The first condition required the Respondent to successfully complete an addictionology evaluation and follow all treatment recommendations at Fairbanks Hospital or another treatment center approved by the Board. The Respondent had an addiction evaluation performed by Mary M. Papandria, a licensed clinical psychologist with the Center for Behavioral Medicine and Psychological Services. The therapist sent a letter to the Board February 28, 2008 stating she had no treatment recommendations. The second condition was that the Respondent shall complete a minimum of forty (40) hours of continuing education. The Respondent had previously submitted proof of completion of continuing education hours. The third condition prohibited the Respondent from practicing veterinary medicine. The Respondent adamantly testified that she has not practiced veterinary medicine during the time her license has been expired. The Respondent entered into evidence exhibit "A" which was surgical records for her animals from Northwood. The State noted that most of the dates were several years old. The Respondent stated she used Northwood for more difficult procedures and used another clinic for more minor treatments. The State noted that she had also removed the letters 'DVM' from her name on her website but that her name is listed on the PetHealth Network website. The Respondent testified she does not know why her name would be on their website. She stated she subscribes to veterinary magazines so perhaps that is how they got her name. Respondent stated she does not have a link to the PetHealth Network from her website and is not familiar with them and not aware why they would have her name. The Respondent stated that if her license is reinstated she will donate her time, make house calls, and assist other veterinarians. She stated she has been clean from drugs for twelve years and wants to practice again. The State noted that the Respondent has satisfied all the precedent conditions for reinstatement and they must decide if they feel she is able to practice competently with reasonable skill and safety to the public.

Board Action: A motion was made and seconded to grant Respondent's request and reinstate her license on Indefinite Probation subject to the following terms and conditions:

1. The Respondent's license to practice veterinary medicine is reinstated on indefinite probation pending renewal of licensure in compliance with paragraph 2m below. Respondent may request a hearing to withdraw the probationary terms in two (2) years. Respondent shall remain on probation until the Board withdraws the probation.
2. The Respondent's practice of veterinary medicine shall be governed by the following terms and conditions:
 - a) Failure to comply with any requirement of probation may subject Respondent to a show cause hearing before this Board and the imposition of further sanctions.

- b) Respondent must comply with all laws and rules regulating the practice of veterinary medicine, as well as the general statutory provisions that apply to all the health professions.
- c) Respondent must keep the Board apprised of the following information and update it as necessary:
 - 1) Respondent's current home address, mailing address, and residential telephone number;
 - 2) Respondent's place of employment, employment telephone number, and name of supervisor;
 - 3) Respondent's title and work schedule, including the number of hours worked per week; and
 - 4) Any change in the Respondent's status of employment.
- d) Respondent may practice veterinary medicine, as defined by Indiana Code 15-5-1.1-2, only as an employee under the supervision of a licensed veterinarian.
- e) Respondent will cause her employer to submit quarterly reports to the Board advising the Board of Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
- f) Respondent shall attend one (1) counseling session per month with a counselor approved by the Board. Within thirty (30) days from the date of this Order, Respondent shall submit a list of counselors from which the Board may select. Respondent shall cause the counselor to submit monthly reports to the Board regarding Respondent's progress. Respondent may not discontinue counseling unless her counselor notifies the Board in writing that counseling is no longer necessary or helpful.
- g) Respondent shall immediately notify the Board in writing of any relapse.
- h) Respondent shall not have access to any controlled substances.
- i) Respondent shall submit to the Board on a semiannual basis a copy of any prescription Respondent receives for personal use.
- j) Respondent shall appear before the Board on a semiannual basis.
- k) Respondent shall submit written reports to the Board on a quarterly basis during the first year of her probation and on a semiannual basis thereafter advising the Board of her current employment responsibilities and any other information Respondent deems useful for the Board in evaluating Respondent's probationary status.
- l) Respondent shall provide patient files, billing statements, office records and any other requested documentation on a quarterly basis. The items shall be produced to the Board at the time of Respondent's semiannual personal appearances or submitted with Respondent's quarterly reports. Board staff will specify the patients whose records are to be produced.
- m) Respondent must meet any necessary and additional requirements to renew her expired license including the completion of any required continuing education requirements and payment of any late fee assessed.

KOVACH/WALTZ
Motion carried 4-0-0

VII. SETTLEMENT AGREEMENTS

There were no settlement agreements.

VIII. NOTICE OF PROPOSED DEFAULT

There was no Notice of Proposed Default before the Board.

IX. DISCUSSION

A. Circle City Veterinary Specialty & Emergency Hospital

Re: Request for Approval as a Continuing Education Sponsor

The Board reviewed a letter from Ms. Sallie Mayer requesting that Circle City Veterinary Specialty & Emergency Hospital be granted approval from the Board as an "automatically approved" sponsor of continuing education programs under IC 25-1-4. The Board determined that the doctors in their practice are properly qualified to provide quality continuing education programs based on the programs they have given in the past.

Board Action: A motion was made and seconded to grant automatic approval to Circle City Veterinary Specialty & Emergency Hospital as a continuing education provider.

KOVACH/WALTZ
Motion carried 4-0-0

B. National Board Report

The Board took notice of the NBVME's national board report quarterly newsletter. They particularly noted that the NAVLE application fee will be increasing from \$480.00 to \$500.00.

C. VTNE Examination Results

Ms. Vaught told the Board that the January 18, 2008 administration of the VTNE had 94 candidates. Of those, 29 failed the VTNE with the majority of those candidates being from the International Business College in Fort Wayne, Indiana. The Board expressed concern about this new program and called upon Tony Rumschlag with the IVMA to talk about this. Mr. Rumschlag sits on the AVMA's Committee for Veterinary Technician Education and Activities (CVTEA) and explained IBC was given provisional accreditation and they will look at the college again in two weeks to assess the rate of those who passed the exam and those who graduated. IBC offers a fifteen month on-site program and one veterinarian and one veterinary technician must be involved in order to attain accreditation. The IBC program must attain full accreditation within five years. The Board expressed concern regarding the number of graduates who were not successful in the examination.

D. 2008 Legislative Changes

Ms. Vaught provided the Board with copies of SB 316 noting that veterinary statutes have been re-codified under IC 25. She provided a brief overview of the numerous changes that will go into effect as of July 1, 2008. Among these changes are new definitions, the formation of an investigative fund, the addition of a registered veterinary technician to the board, and law changes concerning medical records.

X. APPLICATION REVIEW

A. Endorsement

1. Briah Ann Tannler, R.V.T.

The Board reviewed Ms. Tannler's application for registration as a veterinary technician by endorsement of examination scores. Ms. Tannler is a 2006 graduate of Mesa College and has taken and passed the veterinary technology national examination (VTNE) on June 16, 2006. She currently holds a license in the state of California. Ms. Tannler answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty, or nolo contendere to any offense, misdemeanor or felony in any state?" Ms. Tannler explained in a notarized written statement that in 1998 she was charged with petty theft after shoplifting some clothes from a department store. The theft occurred as part of a sorority stunt and she deeply regrets the incident.

Board Action: A motion was made and seconded to grant Ms. Tannler registration as a veterinary technician upon passing the Indiana law examination.

HEADLEY/KOVACH
Motion carried 4-0-0

B. Examination

1. Ann Lynch, R.V.T.

The Board reviewed Ms. Lynch's application for registration as veterinary technician by examination. Ms. Lynch is a 2007 graduate from Indiana Business College and has taken and passed the veterinary technology national examination (VTNE) on January 18, 2008. On her application she answered "no" to all the questions. Ms. Lynch holds an Indiana license as a licensed practical nurse (LPN). A complaint was filed by the Attorney General's Office on November 26, 2007 with the Indiana State Board of Nursing regarding her LPN license. Ms. Lynch submitted a notarized statement explaining the events that led to a complaint being filed with the Indiana State Board of Nursing upon a request from the Veterinary Board. Ms. Lynch's stated that she was suspected of diverting narcotics at two places of employment. She denied taking narcotics and her urine screens were negative. She also stated that all narcotics were ultimately accounted for but she left those positions due to the allegations. She decided to change her career to work with animals following these two incidents. The Board requested that Ms. Lynch make a personal appearance at the May 26, 2008 meeting for further review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

XI. PROBATIONARY REPORT

1. James Brester, D.V.M.

The Board reviewed Dr. Brester file. Dr. Brester submitted proof that he has completed the continuing education (CE) which was required according to the terms and conditions of his order. Dr. Brester completed two (2) courses online. One was with Washington State University entitled Medical Records Course for 2 hours of CE and Michigan State University entitled Medical Record Maintenance for 2 hours of

CE. Dr. Brester completed six (6) hours of CE by observing the certified American Animal Hospital Association (AAHA) practice of Dr. David Brown, Fishers Veterinary Hospital located in Fishers, Indiana on February 21, 2008. Dr. Brown is accredited by the American Animal Hospital Association (AAHA). With the completion of the CE, the Board determined that he has completed all of the terms and conditions that were required in his order.

XII. CONTINUING EDUCATION

A. Cincinnati Animal Referral and Emergency Center

The Importance of Being Bartonella and Insulinomas
January 15, 2008
Cincinnati, Ohio
Hours Granted: 2

B. Circle City Veterinary Specialty and Emergency Hospital

Practical Clinical Toxicology
March 12, 2008
Carmel, Indiana
Hours Granted: 2

C. Indianapolis Veterinary Referral

Pediatric Dentistry
March 12, 2008
Indianapolis, Indiana
Hours Granted: 1

D. Novartis Animal Health US, Inc.

Veterinary Dentistry
February 12, 2008
Evansville, Indiana
Hours Granted: 6

E. Pfizer Animal Health

What's New About Dexdomitor in Dogs and Cats?
February 6, 2008
Indianapolis, Indiana
Hours Granted: 1.5

F. Veterinary Specialty Center of Indiana

Neurologic Examination
March 2008
Indianapolis, Indiana
Hours Granted: 2

G. Clifton Gunderson, LLP

Practice Management Tips and Business Strategy Ideas
June 17, 2008
Indianapolis, Indiana
Hours Granted: Denied

H. Centers for Disease Control and Prevention

International Conference on Emerging Infectious Diseases
March 16-19, 2008
Atlanta, Georgia
Hours Granted: Conference Approved

I. Intervet/Schering Plough Animal Health

Reproduction Update

April 16, 2008

Fort Wayne, Indiana

Hours Granted: 3

J. VCA Veterinary Specialty Center

Cancer Hot Topics: Canine Melanoma

March 5, 2008

Indianapolis, Indiana

Hours Granted: 1.5

K. Merial Limited

Vaccinology 2008: Progressive Practices for Progressive Practices

April 9-10, 2008

Lafayette, Terre Haute, Indianapolis, Indiana

Hours Granted: 1

L. Fetch Academy

How to Run a Dog Business- Putting Your Career Where Your Heart Is

March 15-16, 2008

Carmel, Indiana

Hours Granted: Denied

A Dog Is A Terrible Thing to Waste- Behavior Problems and Solutions

June 21-22, 2008

Indianapolis, Indiana

Hours Granted: 13

M. Veterinary Orthopedic Manipulation

September 21-23, 2008

Indianapolis, Indiana

Hours Granted: 27.5

XIV. REPORTS

A. Consumer Complaints

Dr. Waltz reported that she reviewed a backlog of cases and has scheduled (4) informal meetings for April 9, 2008.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach stated CSAC has not met since the last veterinary meeting.

C. State Veterinarian's Report- Dr. Marsh

- TB has been found in Michigan deer 100 miles outside of the zone so 100 cattle herds will be tested.
- Horse neglect cases are proving to be the bulk of compliance cases BOAH is receiving. Of the 26 compliance cases, 22 were horse neglect and the rescues are full.
- Rabies is not a problem in the U.S. but he noted it is still the number one hit on their website from people looking for information. He clarified that it would be

incorrect to say that rabies is eradicated in canines but the last case of it may have been in 1989.

- He noted they are happy about the new legislation which will make animal health records confidential.

XV. OLD/NEW BUSINESS

XVI. OTHER ITEMS FOR CONSIDERATION

XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 1:30 p.m.

Ralph Welp
Ralph Welp, D.V.M., Chairman

5-28-08
Date